

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

V.

LARRY BARNES, JR.,

Defendant.

Criminal No. 3:20-CR-002

MOTION FOR DOWNWARD VARIANCE

Comes now the defendant, Larry Barnes Jr., by counsel, and moves the court to grant him a Downward Variance based upon the sentencing factors in 18 U.S.C. § 3553(a).

MEMORANDUM IN SUPPORT of DOWNWARD VARIANCE

18 U.S.C. § 3553(a): See US v Rangel 697 F. 3d 795, 801 (9th Cir 2012) cert denied 133 S Ct 1294 (US 2013) citing US v Cruz-Perez 567 F. 2d 1142 1146 (9th Cir 2009)

(1) Nature of the Offense

Barnes was arrested after authorities found a large quantity of drugs in an apartment building in Richmond, VA. Barnes' prior criminal history shows several drug related crimes and traffic offenses - No Convictions for crimes of violence are evident. As stated in the PSR, Barnes grew up in a stable family and has been employed consistently. *See attached letters from Relatives and Friends*

(2) Need for the Sentence Imposed

While in possession of illegal drugs is a significant offense, there was no violence associated with Barnes nor at his arrest. While the presence of drugs was significant, there was no evidence that the

house was being used for the actual distribution of drugs. Barnes has a drug addiction and a gambling addiction.

(2a) A sentence below the 15 year mandatory minimum would still be significant and afford an adequate deterrence to others.

(2b) Since Barnes would be serving an active sentence, it would protect the public from future crimes.

(2c) Barnes will fully participate in any programs provided by the Bureau of Prisons.

(3) Active incarceration is the only available sentence

(4) The Guideline range is well below the mandatory minimum established by Statue.

(5) N/A

(6) Barnes is not aware of any pertinent sentences similar to his.

(7) N/A

Respectfully submitted,

LARRY BARNES Jr.

By/s/ John B. Mann
Counsel

John B. Mann (VSB 09108)
Counsel for Larry Barnes, Jr.
John B. Mann, P.C.
4124 E. Parham Road
Henrico, VA 23228
(804) 673-6600 - Telephone
(804) 673-6604 - Facsimile
john@cwklip.com

CERTIFICATE OF SERVICE

I certify that on November 25, 2020, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to:

Stephen E. Anthony, Esquire
Office of the U.S. Attorney

stephen.e.anthony@usdoj.gov

/s/ John B. Mann
John B. Mann

Thalia Gladys Edmonds, CPA
3216 Douglasdale Road
Richmond, Virginia 23221

October 15, 2020

Honorable Henry Hudson
Judge, United States Court for the Eastern District of Virginia
701 E Broad Street
Richmond, Virginia 23219

Character Reference: Larry Barnes, Jr.

Dear Judge Hudson:

My name is Thalia Edmonds and I am writing this character reference for my dear friend's son, Larry Barnes, Jr. I have known Larry for three decades which constitutes most of his life. I have witnessed his growth and development from a child to manhood: participating in church activities, academic milestones, learning vocational skills after graduation, marriage, and becoming a father. I am aware of Larry's character through the numerous personal and social interactions with him over this time frame.

The behavior which has led to Larry's incarceration is not indicative of his character or moral principles. He has always been an active and committed family member taking the lead to ensure that family members are cared for and supported. Larry's zeal for kinship extend far beyond his family but to his community as well. He has helped friends, neighbors, and strangers expecting nothing in return for his deeds. Because of his kindness and responsiveness to others, Larry has created a strong community of people who love him dearly. Larry is also a quick learner so I am confident he will be a productive citizen and support civic engagement.

In the interest of Larry's future aspirations, his family, and his community, I asked that you consider his character and his potential contributions to society in your decision.

Sincerely,

Thalia Gladys Edmonds

Thalia Gladys Edmonds

October 14, 2020

The Honorable Judge Henry Hudson
United States District Court for the Eastern District of Virginia
701 E Broad St
Richmond, VA 23219

Dear Judge Hudson;

My name is Wayne Turnage and I am writing this letter in support of Larry Barnes Jr., as he faces your final judgment regarding the crime for which he has been convicted. My connection to Mr. Barnes is through his recently deceased father – Larry Barnes (senior) – who was one of my dearest friends. My relationship with his father reaches back nearly 50 years, interrupted by my years in college and work away from Richmond, and his service in the military. I reconnected with Larry Barnes in the 1990s, was introduced to his family, and we subsequently spent considerable time together until his unfortunate death on September 19, 2020.

These are very difficult times for the Barnes family. As mentioned, just three weeks ago, Larry Barnes passed away from a battle with a rare form of cancer that rapidly and unexpectedly took his life. And now, his only son must stand before the bar of justice to learn the details of his pending prison term. As you might imagine, this series of life altering events has emotionally pushed the extended Barnes family to the precipice.

Having met Larry Barnes Jr., both in person and through the incessant praise of a proud father, I know him to be a very decent human being. While Larry's admission of guilt with respect to the issues before you moots the debate about his culpability, I know him to be a kind and generous man – there is not a malicious muscle in his body. He possesses a richness of spirit that was visibly evident in his selfless treatment of his family and friends. Moreover, he never shied away from honest work, securing employment at Pepsi Bottling Company, Produce Source, and Acc Hardware. Unfortunately, he was laid off from each of those jobs and made the decision to secure income through illegal means.

Your Honor, I think it is worthy of note that during what turned about to be the last phase of his treatment for cancer, Larry's father and I discussed the virtues of our life choices and the respective impact of our decisions on those who love us – most especially, our children. Larry's father's life was not a perfect one. There was a time where the lure of the streets exerted a stronger influence over his actions than was perhaps healthy or even safe. Like so many, the elder Larry Barnes failed to appreciate that the attractive external appearance of "that world" is not a reliable indication of its true value, and, most critically, he underestimated how this might impact the life choices of those close to him. We discussed how the decisions he made at different times in his life undoubtedly left an indelible impression on his son, providing the imprimatur Larry Jr. needed to create the necessary comfort with his own illicit choices.

Your honor, I respectfully ask that you consider these many mitigating factors in what I am sure has been your just deliberation of this case. Mr. Larry Barnes Jr. obviously made a mistake with his decisions to trade in the illegal drug market, however, he is neither a profoundly venal nor an

iniquitous crook – quite the contrary, he is, as I stated, a decent and good man that would appreciate your mercy in this matter before you. Please return him to his family as soon as possible.

Sincerely


Wayne Turnage

October 14, 2020

The Honorable Judge Henry Hudson
United States District Court for the Eastern District of Virginia
701 E Broad St
Richmond, VA 23219

Dear Judge Hudson;

My name is Wayne Turnage and I am writing this letter in support of Larry Barnes Jr., as he faces your final judgment regarding the crime for which he has been convicted. My connection to Mr. Barnes is through his recently deceased father -- Larry Barnes (senior) -- who was one of my dearest friends. My relationship with his father reaches back nearly 50 years, interrupted by my years in college and work away from Richmond, and his service in the military. I reconnected with Larry Barnes in the 1990s, was introduced to his family, and we subsequently spent considerable time together until his unfortunate death on September 19, 2020.

These are very difficult times for the Barnes family. As mentioned, just three weeks ago, Larry Barnes passed away from a battle with a rare form of cancer that rapidly and unexpectedly took his life. And now, his only son must stand before the bar of justice to learn the details of his pending prison term. As you might imagine, this series of life altering events has emotionally pushed the extended Barnes family to the precipice.

Having met Larry Barnes Jr., both in person and through the incessant praise of a proud father, I know him to be a very decent human being. While Larry's admission of guilt with respect to the issues before you moots the debate about his culpability, I know him to be a kind and generous man -- there is not a malicious muscle in his body. He possesses a richness of spirit that was visibly evident in his selfless treatment of his family and friends. Moreover, he never shied away from honest work, securing employment at Pepsi Bottling Company, Produce Source, and Acc Hardware. Unfortunately, he was laid off from each of those jobs and made the decision to secure income through illegal means.

Your Honor, I think it is worthy of note that during what turned about to be the last phase of his treatment for cancer, Larry's father and I discussed the virtues of our life choices and the respective impact of our decisions on those who love us -- most especially, our children. Larry's father's life was not a perfect one. There was a time where the lure of the streets exerted a stronger influence over his actions than was perhaps healthy or even safe. Like so many, the elder Larry Barnes failed to appreciate that the attractive external appearance of "that world" is not a reliable indication of its true value, and, most critically, he underestimated how this might impact the life choices of those close to him. We discussed how the decisions he made at different times in his life undoubtedly left an indelible impression on his son, providing the imprimatur Larry Jr. needed to create the necessary comfort with his own illicit choices.

Your honor, I respectfully ask that you consider these many mitigating factors in what I am sure has been your just deliberation of this case. Mr. Larry Barnes Jr. obviously made a mistake with his decisions to trade in the illegal drug market, however, he is neither a profoundly venal nor an

iniquitous crook – quite the contrary, he is, as I stated, a decent and good man that would appreciate your mercy in this matter before you. Please return him to his family as soon as possible.

Sincerely


Wayne Turnage

John B. Mann

From: Shani Clark <shaniclark04@gmail.com>
Sent: Monday, October 19, 2020 2:16 PM
To: John Mann
Subject: Letter for Larry Barnes Jr

Sent from my iPhone

Begin forwarded message:

From: Palae Smith <smithpalae@gmail.com>
Date: October 19, 2020 at 11:57:26 AM EDT
To: shaniclark04@gmail.com

This letter is to ask for leniency with Larry's sentencing. My name is Palae Smith and I'm the mother of Larry's oldest child Paris whom is 12. I was surprised, upset, and devastated when I heard the news about his arrest. I believe that everything happens for a reason and people deserve chances in life as this has been an eye opener for Larry. Our daughter is in the 7th grade and Does not know the serious and time her father is looking at. I feel as though it's to much for a innocent child to process. All I can think of is daddy daughter dances ,prom, games, graduation and their bond. She graduates from high school the year of 2026 and I would really like for him to attend. Larry is a sweet humble man who always wants everyone in a good position and he loves to see smiles on people's faces. He is a excellent father and treats all his children like gold. My heart goes out to him as His father passed while he was away and he could not attend. I think that was a life lesson and a punishment unmatched. Which immediately taught Larry what he needs to do upon arrival home. Your Honor please consider his kids and his punishment he has to live with every day when Sentencing Larry.

Sent from my iPhone